

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

WAYNE LEWIS, )  
Plaintiff, )  
v. ) Civil Action No. 3:16CV816-HEH  
J.D. WINFREE, *et al.*, )  
Defendants. )

**MEMORANDUM OPINION**  
**(Dismissing Action Without Prejudice)**

On October 20, 2016, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on November 30, 2016, the Court directed Plaintiff to pay an initial partial filing fee of \$21.28 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date Dec 22, 2016  
Richmond, Virginia

Hudson /s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE